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March 28, 2019

VIA ECF

Hon. Andrew T. Baxter, United States Magistrate Judge
James M. Hanley Federal Building & U.S. Courthouse
100 South Clinton Street
Syracuse, NY 13261

Re: Gonzales v. Agway Energy Services, LLC, Case No. 5:18-cv-00235-MAD-ATB

Dear Judge Baxter:

My office represents Plaintiff Naomi Gonzales (“Plaintiff”) in the above-referenced action. I write regarding Defendant Agway Energy Services, LLC’s (“Defendant”) March 27, 2019 letter to Judge D’Agostino informing the Court of its decision to defer its anticipated motion to transfer venue. ECF No. 102. In light of Defendant’s decision to postpone its motion until the class certification stage of proceedings, Plaintiff respectfully requests that Your Honor lift the stay on discovery concerning putative class members who reside in Pennsylvania, which Your Honor initially Ordered on June 7, 2018. There are no currently pending motions before Judge D’Agostino regarding the propriety of including Defendant’s Pennsylvania customers in the putative class. A proposed Order lifting the stay is attached hereto as “Exhibit A.”

I appreciate the Court’s continued attention to this matter.

Respectfully submitted,

s/ Todd S. Garber

Todd S. Garber